

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 11, 2005

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B181988	In Re Hall on Habeas Corpus
B180414	People v. Hodge
B173223	People v. Iraheta
B180647	People v. Overton

Argument waived, cause submitted.

B176263	People
	v.
	Wardell Joe, et al.

Merits:

Argued by Tracy Dressner for appellant Wardell Joe and by David E. Madeo, Deputy Attorney General for respondent. Cause submitted.

B181513	Rubenstein
	v.
	Rubenstein

Merits:

Argued by Lawrence Segal for appellant and by Alexandre Lebecki for respondent. Cause submitted.

DIVISION THREE (Continued)

B179133 Apartment Association of Los Angeles County, Inc.
 v.
 City of Los Angeles

Merits:

Argued by Gerald Sato, Deputy City Attorney for appellant and by Craig Mordoh for respondent and Rocio Y. Garcia for amicus Curiae. Cause submitted.

Court recessed at 12:00 Noon

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B182200 Children and Family Services v. Clara V.
B182513 Children and Family Services v. Scott M.

Argument waived, cause submitted.

B178024 Diaz
 v.
 Advanced Bionics Corporation, et al.

Merits:

Argued by Gregory W. Smith for appellant and by Brian James Bird for respondents. Cause submitted.

B181809 Mitchell
 v.
 State Personnel Board

Merits:

Argued by Stanley R. Raskin for appellant. Argument waived by respondent. Cause submitted.

DIVISION THREE (Continued)

B183573 Allstate Insurance Company
 v.
 Superior Court, Los Angeles County
 (Michael Southard, r.p.i.)

Merits:

Argued by Gerard A. LaFond for petitioner and by S. Michael Kernan for real party in interest. Cause submitted.

B177758 Dacanay, et al.
 v.
 Beckmann

Merits:

Argued by Amelia McDonald for appellant and by Anne M. Huarte for respondent. Cause submitted.

B183269 American Alternative Insurance Corporation, etc.
 v.
 Superior Court, Los Angeles County
 (Aero Falcons, LLC and Sands Media, Inc., r.p.i.)

Merits:

Argued by Kelly Beck for petitioner and by David P. Schack for real party in interest. Cause submitted.

Court adjourned.

B173831 Aespace America, Inc. (Not for Publication)
 v.
 Winston Ping Ko and Dorothy Py Ko

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B175088 People (Not for Publication)
v.
Jesus Soto

The judgment is affirmed

Curry, J.

We concur: Epstein, P.J.
Grimes, J.

B174486 People (Not for Publication)
v.
Manuel Dejesus Hernandez

The judgment is affirmed

Curry, J.

We concur: Epstein, P.J.
Grimes, J.

B175360 Ulysses Demetillo et al. (Not for Publication)
v.
Fariborz Daniel Nourian

The judgment and attorney fee award are affirmed.

Curry, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (Continued)

B174455 Eunice Viola et al. (Certified for Publication)
v.
State of California Dept. of Managed Health Care, et al.

The order of dismissal is affirmed.

Epstein, P.J.

We concur: Curry, J.
Grimes, J.

DIVISION FIVE

B180317 Carson Harbor Village, LTD (Not for Publication)
v.
City of Carson Mobile home Park Rental Review Board

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

B182261 In re: Samantha M., (Not for Publication)
A person coming Under the Juvenile Court Law
v.
LACDCFS
Anna M.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
Mosk, J.

October 11, 2005 (Continued)

DIVISION FIVE (Continued)

B184424 Blanca Z. (Not for Publication)
v.
S.C.L.A.
LACDCFS

The petition for extraordinary writ is denied. Pursuant to CRC rule 24(d), this opinion is made final forthwith as to this court.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B177157 People (Not for Publication)
v.
Delia Garcia-Moriel

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
Kriegler, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

October 11, 2005 (Continued)

DIVISION SIX (Continued)

B181405 Advanced Modular Sputtering, Inc.
v.
Santa Barbara County Superior Court (Sputtered Films, INC.)

Filed order denying petition for rehearing.

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B178100 Coalition to Save Cambria, et al. (Not for Publication)
v.
Cambria Community Services Dist., et al.

The judgment is affirmed. District is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B183346 People (Not for Publication)
v.
Guillen

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

B181339 Hensley
 v.
 Farmers Insurance Exchange

Filed order denying petition for rehearing.

B171834 Pizatella (Not for Publication)
 v.
 South Coast Industries, Inc. et al.,
 Caldwell Manufacturing Co.

The judgment is affirmed. Defendants Santa Barbara Glass and Fleetwood shall pay plaintiff Pizatella's costs for Appeal No. B171834. The parties shall bear their own costs in Appeal No. B175790.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B178645 Medrano (Not for Publication)
 v.
 California Department of Corrections et al.,

The judgment is affirmed. Costs on appeal are awarded to CDC.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

DIVISION SIX (Continued)

B179235 Hollis et al. (Not for Publication)
v.
Helton

The judgment is affirmed. Respondent shall recover costs.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B181525 Los Angeles Metropolitan Transit Authority (Not for Publication)
v.
Superior Court, Los Angeles County
(Parson-Dillingham Metro Rail Construction Manager Joint Venture, r.p.i.)

Let a preemptory writ of mandate issue directing the superior court to vacate its order rejecting the referee's recommendation that Real Parties be compelled to produce their tax returns and conduct a new hearing addressing the merits of whether the tax returns were privileged or whether the privilege had been waived in Contract 3369 and its amendments. The MTA is awarded the costs it incurred in bringing this petition.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B174393 People
v.
Jones et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN (Continued)

B171865 People (Not for Publication)
v.
Perry

The judgment with respect to the sentences imposed on counts 3 and 6 is reversed, and the matter is remanded for resentencing on counts 3 and 6. The new abstract of judgment prepared after resentencing shall reflect the trial court's oral pronouncement of sentence on counts 4 and 5 by deleting the reference to a stay pursuant to section 654 for the one-year term imposed on count 4 for assault with a firearm and by indicating a stay pursuant to section 654 for the great-bodily-injury enhancement of one year under section 12022.7, subdivision (a), related to count 5 for criminal threats. In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B178243 Dunwoodie (Not for Publication)
v.
The Salvation Army et al.,

The judgment is reversed. The case is remanded to the trial court for further proceedings not inconsistent with this opinion. Dunwoodie is to recover his costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

B173638 Delgado (Not for Publication)
v.
Ortiz et al.,

The judgment is affirmed. Costs are awarded to respondent Ashley Pouryamini.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B179018 People v.
Luo

(Not for Publication)

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B181127 People (Not for Publication)
v.
Welsh

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (Continued)

B178308 People (Not for Publication)
v.
Morones

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B179736 Los Angeles County, D.C.S. (Not for Publication)
v.
M.S.,
In re A.C., a Person Coming Under the Juvenile Court Law.

The order is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.